
Chapter 21 International Issues

Section 10

Abstract

Victim issues transcend many borders, cultures, and legal systems. Not only is the United States visited by millions of foreign nationals each year, but citizens of the United States travel and live all over the world. Crime does not limit itself to the borders of a particular country. This chapter addresses a number of international crime victim issues that have become increasingly important as our societies have become more global and mobile. Issues such as tourist victimization, crime victim compensation, international terrorism, commercial exploitation of women and children, and human trafficking are just a few of the complex issues in international victim assistance. This chapter also discusses some of the efforts that are being undertaken by the United Nations and other organizations at the international level to address these issues.

Learning Objectives

Upon completion of this section, students will understand the following concepts:

- The background and history of the victims' movement at the international level.
- The content and significance of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.
- The major international organizations working to address crime victims' issues.
- Emerging issues in providing services to U.S. citizens victimized abroad.
- Types of international crime victims and victim advocacy response.
- New developments in meeting the needs of foreign citizens victimized in the United States.

Statistical Overview

Crime afflicts urban populations in all parts of the world. The extent of that crime was recently examined through the *International Crime Victimization Survey*, which measured crime in more than fifty different countries. Bypassing differences in legal codes and definitions of crime that have made comparing crime data among countries difficult, the survey has produced the most comparable cross-national data on crime available to date. Conducted in 1989, 1991, and 1996, the survey found the following:

- More than a third of all urban dwellers in the world do not feel safe in their own neighborhoods at night.
- Crime rates are highest in major cities in Africa and Latin America.

- In every country surveyed, including the United States, no more than 10% of victims received assistance from a specialized victim assistance agency. (*International Crime Victimization Survey 1997*)

Because of differences in legal codes and definitions of crime among countries, reliable data that are comparable across nations has been difficult to obtain. The *International Crime Victimization Survey* is one positive step towards compiling comprehensive, multinational data on crime victimization. More research in this area is needed, however, particularly for crimes such as child abuse and domestic violence which are largely unreported to police in most countries.

For example, at the World Congress Against the Commercial Sexual Exploitation of Children, a 1998-1999 study reported that:

- Recent studies indicate that of the estimated 9 million prostitutes working in India, 30% are children, a large number of whom have been trafficked from Bangladesh, Nepal, and Pakistan (ECPAT n.d.).
- It is estimated that 30% of the commercial sex workers in Cambodia are less than eighteen years of age, at least one-half of whom have been forced into the trade (Ibid).
- A recent study in Greece identified 2,900 minors in prostitution--more than 200 were younger than twelve years old. Forty percent of the minors had been brought from regional countries suffering from conflicts and lack of social cohesion including Uzbekistan, Armenia, Albania, and Iraq (Ibid).

Introduction

In recent years there has been increased attention in the United States on the unique needs of American citizens victimized abroad as well as those of foreign citizens victimized in the United States. There have also been considerable efforts to address victimization issues at an international level through standards-setting, training programs, conferences, and other initiatives. Rights and services for crime victims vary considerably from one country to another, and countries can learn a great deal from one another about ways to address crime victims' needs.

This chapter is largely based on a report, *New Directions from the Field: Victims' Rights and Services for the 21st Century*, and a background paper written for that report by Dr. Marlene Young, Executive Director of the National Organization for Victim Assistance (OVC 1998, Chap. 18). Some of the activities that have been undertaken at the national and international level to address the realm of international victim assistance are discussed in this chapter.

Additional information has been provided to address more recent developments related to program development within Federal agencies to address issues related to International Parental Kidnap and Human Trafficking. Collaboration of

federal, state, and local partners is vital to positive outcomes for these victims and their families.

The Victims' Movement at the International Level

While the victims' movement at the international level is still relatively new, the first work in the field of victimology was pioneered in the 1940s by an Israeli researcher, Benjamin Mendelsohn, and a German researcher, Hans von Hentig. Later, the work of English legal reformer Margery Fry resulted in the passage of victim compensation legislation in New Zealand in 1963, soon followed by Great Britain and several states in the United States. The rape crisis movement emerged in the United States and other countries in the early 1970s.

International recognition of victimology as a distinct branch of criminology came with the first International Symposium on Victimology, held in Jerusalem in 1973, where a series of papers on victim compensation, crisis intervention, and the concept of a victim ombudsman were presented. By the end of the 1970s, those ideas were reflected in the establishment of victim service programs such as rape crisis centers, domestic violence shelters, and victim-witness units in a number of countries including the United States, United Kingdom, and Canada.

While the United States was just one of several nations interested in victims' issues at that time, it was clearly one of the leaders in the emerging international victims field. The publication of the 1982 *Final Report* of the President's Task Force on Victims of Crime was a landmark document not only in the U.S., but internationally as well. A number of other countries created their own task forces based on the American model, and discussions of victims' rights and services gained visibility in international forums such as the United Nations.

United Nations Initiatives to Address Victimization

During the past two decades, the United Nations has undertaken a number of initiatives to address the needs of crime victims at the international level. One of the most significant is the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (Declaration), adopted by the United Nations General Assembly in 1985 (OVC 1998, Chap. 18). Considered a "Magna Carta" for crime victims around the world, the Declaration is based on the philosophy that victims should be treated with compassion and respect for their dignity, and that they are entitled to access the mechanisms of justice and to receive prompt redress for the harm they have suffered.

The Declaration purposefully speaks of basic principles of justice for crime victims, which include access to justice and fair treatment, restitution, compensation, and assistance. The last category includes material, medical, psychological, and social assistance through comprehensive use of governmental, voluntary, community-based, and indigenous groups. The

Declaration also addresses various principles of justice for victims of abuse of power. A copy of the Declaration is included at the end of this chapter.

Governments and organizations around the world have responded to the challenge of implementing the Declaration in different ways. Victim justice became a much livelier public issue in Brazil, Germany, India, the Philippines, Poland, and Sweden, to cite six of many possible examples, following its adoption. Victim assistance programs and services have developed around the globe in such diverse nations as Japan, Mexico, the Netherlands, New Zealand, and Nigeria. Other countries, however, have only begun to establish mechanisms to respond to victims' concerns.

Since the adoption of the Declaration, the U.N. has taken a number of steps to foster its implementation worldwide. These efforts have largely been spearheaded by the U.N. Commission on Crime Prevention and Criminal Justice, which meets once a year in Vienna, Austria. For example, in 1996, the United Nations Commission on Crime Prevention and Criminal Justice adopted a resolution calling for the development of an international victim assistance training manual to help countries worldwide develop programs for victims of crime. The U.S. government and the government of the Netherlands took leadership roles in working with scores of experts in victim issues from every region of the world to develop two documents: a *Handbook on Justice for Victims*, designed to assist practitioners in developing comprehensive victim services; and a *Guide for Policymakers*, designed to educate policymakers about the Declaration itself.

OTHER U.N. EFFORTS TO ADDRESS VICTIMS' ISSUES

- *Fourth United Nations Conference on Women.* In 1995, the Fourth United Nations Conference on Women in Beijing, China, was a significant step forward in the international arena for victims of domestic violence. The Conference's final document, the *Platform for Action*, is a powerful and progressive statement about the empowerment of women and the imperative to eliminate violence against women in all forms. First Lady Hillary Rodham Clinton's message was heard around the globe when she said, "It is a violation of human rights when individual women are raped in their communities and when thousands of women are subjected to rape as a tactic or prize of war. It is a violation of human rights when a leading cause of death worldwide among women ages fourteen to forty-four is the violence they are subjected to in their own homes. If there is one message that echoes forth from this conference, it is that human rights are women's rights . . . and women's rights are human rights."
- *Crime Prevention and Human Rights.* The work of the United Nations in preventing abuse of power and violations of human rights is long-standing, and among the results have been the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, the

Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the Convention on Elimination of All Forms of Discrimination Against Women. The United Nations has also developed international guidelines to reduce abuses against the elderly, the handicapped and the mentally ill, and has drafted basic principles and guidelines on the reparation of victims of gross violations of human rights and humanitarian law.

Efforts to Establish an International Criminal Court. In July 1998 in Rome, 120 Member States of the United Nations adopted a treaty to establish-for the first time in the history of the world-a permanent international criminal court. This treaty entered into force on 1 July 2002, sixty days after sixty States have become parties to the Statute through ratification or accession.

"The long-held dream of a permanent International Criminal Court is nearing reality. Our hope is that, by punishing the guilty, the ICC will bring some comfort to the surviving victims and to the communities that have been targeted. More important, we hope it will deter future war criminals, and bring nearer the day when no ruler, no State, no junta and no army anywhere will be able to abuse human rights with impunity."
United Nations Secretary-General Kofi Annan Taken from www.un.org

- **U.N. Initiatives to Address International Victimization**

The United Nations General Assembly adopted a *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* in November 1985. Since then this landmark document has served as the basis for victim services reform at national and local levels throughout the world. One of the projects that has resulted from this declaration is the International Victimology Web Site (IVW).

In June 1999, IVW was launched as a resource for all those interested in improving justice for victims of crime and abuse of power. A two-year pilot program, sponsored by the U.N. Center for International Crime Prevention, the Research and Documentation Center of the Netherlands Ministry of Justice, and the World Society of Victimology, IVW is a database of victimology research in progress, a database for victim services and victimization prevention, a resource for promising practices in victim services, a document and publications hosting page, a link to other victimology resources on the Internet, and a victimology news page and bulletin board. The IVW mission is to facilitate the implementation of the U.N. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power <http://www.victimology.nl/>. This website provides information in several languages.

In April 2000, the United Nations held the Tenth Congress on the Prevention of Crime and the Treatment of Offenders in Vienna, Austria. Member states in attendance issued a declaration that contains two paragraphs related to victims' issues. In the first, member States state that they will "introduce, where appropriate, national, regional, and international action plans in support of victims of crime, such as mechanisms for mediation, and restorative justice" and "establish 2002 as a target date for member States to review their relevant practices, to develop further victim support services and awareness campaigns on the rights of victims and to consider the establishment of funds for victims, in addition to developing and implementing witness protection policies." In the second, member States "encourage the development of restorative justice policies, procedures and programmes that are respectful of the rights, needs and interests of victims, offenders, communities and all other parties" (Tenth United Nations Congress 10-17 April 2000).

Specific victim initiatives considered by member States at the Tenth Congress include the following:

CREATION OF AN INTERNATIONAL FUND FOR THE SUPPORT OF VICTIMS OF TRANSNATIONAL CRIME

An expert working group met in January 1999 to consider the feasibility of creating an international fund for victims of crime and abuse of power. The working group recommended that such a fund be established to support the following:

- Technical assistance to develop and/or strengthen victim support services and organizations.
- Awareness campaigns on victim rights and crime prevention.
- Eligible victim claims resulting from international and transnational crime, where national avenues of recourse and/or redress are unavailable or insufficient (*Proposal for the Foundation* 27-28 January 2000).

At the Congress, member States took note of the recommendations and tasked the Secretary General of the United Nations Commission on Crime Prevention and Criminal Justice with reviewing the recommendations and examining existing mechanisms at the international level to provide assistance to victims of crime and abuse of power.

CREATION OF BASIC PRINCIPLES ON THE USE OF RESTORATIVE JUSTICE

Member States approved a resolution to consider the feasibility and desirability of establishing guiding principles on the use of restorative justice practices. The United Nations Commission on Crime Prevention and Criminal Justice will again consider this topic in 2002.

REVISED DRAFT PROTOCOL TO PREVENT, SUPPRESS, AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN

An Ad Hoc Committee of the United Nations General Assembly established to create a protocol that promotes and facilitates cooperation among member States to prevent, investigate, and punish international trafficking in persons, particularly women and children, came up with several recommendations. According to the Ad Hoc Committee, member States should:

- Adopt measures to prevent trafficking and severely punish those who engage in trafficking.
- Ensure that victims of trafficking receive appropriate protection in accordance with their best interests, and ensure their safe and voluntary return to their countries of origin, of habitual residence, or to a third country.
- Educate the public about the causes and consequences of trafficking in persons.
- Provide victims with the appropriate legal, medical, psychological, and financial assistance whenever it is deemed necessary.
- Prevent any type of penalty from being imposed on victims of trafficking.
- Abolish those practices that allow a husband, family, or clan to order the transfer of a woman to another person for payment or other benefit to an international crime organization (Ad Hoc Committee 6-17 December 1999).

World Society for Victimology

Another international organization that specifically addresses victims' issues is the World Society for Victimology, a nonprofit, nongovernmental organization (NGO) with members from around the world brought together by their mutual concern for victims. Members include victim assistance practitioners, scientists, social workers, physicians, lawyers, university professors, and students. The purposes of the World Society for Victimology are to promote research on victims and victim assistance; to advocate their interests throughout the world; to encourage interdisciplinary and comparative research in victimology; and to advance the cooperation of international, regional, and local agencies, groups, and individuals concerned with the problems of victims.

The origins of the World Society for Victimology are rooted in the works of early victimologists and in the pioneering of the first International Symposium on Victimology organized in Israel in 1973. This symposium provided the first international forum for scholars, practitioners, and students to focus on victimology. The World Society for Victimology sponsors various activities, such as symposia, workshops, and study programs, and holds international symposia on victimology every three years. To date, symposia have taken place in Tokyo, Zagreb, Jerusalem, Rio de Janeiro, Adelaide, and Amsterdam. The 12th

International Symposium is scheduled for August, 2006, in Orlando, Florida.
www.world-society-victimology.de

Meeting the Needs of International Crime Victims

A number of international issues have become increasingly apparent to the victim assistance field in recent years, including crimes against international tourists, victim compensation, international terrorism and crisis response, and crimes against children. The following are illustrative examples of such complexities:

- A Japanese student is murdered while on a U.S. college campus. The District Attorney, cognizant of the need for fair treatment and access to justice for the surviving family members, is faced with problems in providing information and notification, opportunities for participation, and effective support for grieving relatives an ocean away.
- A U.S. citizen is severely beaten and sexually assaulted while on vacation in Amsterdam. Her home state does not provide victim compensation to citizens who are outside state boundaries, and is not deemed to have a reciprocal compensation agreement with the Netherlands, which, like many nations, requires such an agreement to compensate a foreign national injured within its borders. She and her family now face serious financial hardship as a result.
- A young German is robbed and severely beaten while on a business trip to the United States. The accused is released and the case is eventually dismissed because the prosecutor cannot afford to transport the victim two or three times back to the United States.
- An international couple with a two-year-old child separates. In violation of the custody order, the mother kidnaps the child and returns to her country of origin. The father, a U.S. citizen, expends hundreds of thousands of dollars on legal fees, telephone calls, and private investigators in his attempt to get the child back.

TERRORISM AND INTERNATIONAL VICTIMS UNIT AT THE OFFICE FOR VICTIMS OF CRIME

The Office for Victims of Crime (OVC) created the Terrorism and International Victims Unit (TIVU) to help victims of terrorism, mass violence, and such international crimes as trafficking of women and children and abduction of children. OVC's expanded authority to address the needs of international terrorism victims, pursuant to the Victims of Trafficking and Violence Prevention Act of 2000 as well as earlier authorizing legislation, such as the Antiterrorism and Effective Death Penalty Act of 1996, provides TIVU with resources to respond to incidents of terrorism outside the United States. As coordinator of OVC resources for victims of terrorism and transnational crimes, TIVU:

- Provides information and benefits to U.S. nationals and federal government employees who are victims of terrorism abroad.
- Makes OVC resources from the crisis response stage to post trial proceedings available to assist victims of terrorism.
- Serves as OVC's liaison to the U.S. Department of State and other federal agencies responsible for providing information and assistance to U.S. citizens victimized abroad.
- Serves as OVC's liaison to foreign embassies and consulates to provide information on victim assistance resources when foreign citizens are victimized in the United States.
- Helps fund efforts to recover children abducted and taken outside U.S. borders.
- Is to establish and administer the International Terrorism Victims Compensation Program, allowing U.S. nationals and federal government employees who are victims of terrorism abroad to apply to a single federal office for compensation.
- Maintains the International Crime Victim Compensation Program Directory in collaboration with the State Department that links victims abroad to available resources, and lists crime victim compensation programs in various foreign countries.
- Developed the Antiterrorism and Emergency Assistance Program for Terrorism and Mass Violence Victims. OVC has developed guidelines to provide compensation and assistance to victims of acts of terrorism or mass violence within the United States and assistance to U.S. citizens and government employees who are victims of terrorism and mass violence abroad (OVC 2002b).

VICTIMIZATION OF TOURISTS

International tourist crime is a chronic and growing problem, increasingly causing economic decline, deterring investment, and threatening quality of life in countries all over the world. Tourists who become victims often face unique issues such as isolation and culture shock, lack of familiar social support, travel stress, and language barriers. In addition, most tourists are not familiar with the laws of the country they are visiting, nor the criminal justice, social services, health, and mental health systems with which they must interact after victimization.

Throughout the world, tourist-dependent economies have implemented a variety of promising, comprehensive programs to deal with the increasing number of tourists who become victims of crime. Many of these programs assist both domestic and international travelers. Programs to assist tourist victims have been implemented in the United States in New York City; Orlando, Florida; and throughout Hawaii. They are also available in Dublin, Ireland; Amsterdam, Netherlands; Buenos Aires, Argentina; San Jose, Costa Rica; and throughout New Zealand and Aruba. Specialized services provided by these programs

generally include replacement of personal identification, assistance with transportation and lodging, emergency medical assistance, advocacy and support through embassies and consulates, bereavement services, and communication assistance.

More communities with large numbers of tourists should consider establishing special programs to assist international tourists who are victims of crime. OVC awarded the National Organization for Victim Assistance (NOVA) a two-year grant to develop a plan that would identify more effective services to foreign travelers victimized in the U.S. and U.S. travelers victimized abroad. The goals of this grant were to--

- Identify issues in tourist victimization.
- Identify promising practices in this area.
- Develop brochures for tourists leaving and coming to the U.S. summarizing general information on forms of victimization that may affect them and general resources available.
- Develop a companion handbook for use by victim assistance programs to assist them in working with tourist victims.

RESPONDING TO U.S. CITIZENS VICTIMIZED ABROAD

A coordinated, comprehensive plan of action is needed to respond to the needs of U.S. citizens who are victimized abroad. In 2000, the Office for Victims of Crime, U.S. Department of Justice, funded a position for a Victim Assistance Specialist within the U.S. Department of State Bureau of Consular Affairs Office of Overseas Citizens Services (CA/OCS). This position was designed to assist the State Department in establishing a comprehensive and streamlined approach to providing services and assistance to Americans who are victims of crime abroad. The following description of the pioneering work being engineered and implemented at the State Department under this new program was written by Jane Nady Sigmon, Victim Assistance Specialist, CA/OCS.

U.S. Department of State

The primary mission of the U.S. Department of State Bureau of Consular Affairs Office of Overseas Citizens Services (CA/OCS) is to assist Americans residing, studying, or traveling abroad. Consular officers in embassies and consulates overseas provide a full range of emergency and nonemergency services. These include: replacing lost or stolen passports; assisting Americans to find medical assistance; providing loans for emergency medical and dietary assistance; assisting with the transfer of funds from family, friends, employer, or a bank; repatriating destitute Americans to the United States through the repatriation loan program; locating and contacting Americans abroad to convey an emergency message from home; visiting and monitoring the condition of Americans who are arrested and/or imprisoned; notifying the next of kin of the death of an American

abroad, assisting as necessary in the local disposition of or the return of remains, and issuing a Report of Death; providing crisis management and assistance to Americans following terrorist incidents and aviation disasters; assisting in the evacuation of Americans due to a natural disaster or civil disturbance; and overseeing federal benefit payments to people living abroad.

Consular services have traditionally emphasized providing critical assistance to U.S. citizens abroad in a time of need. The most important service normally provided to an injured or victimized American is immediate assistance to facilitate emergency medical treatment and the person's speedy and safe return to the United States, followed by efforts to make clear to the foreign authorities that the United States is interested in the pursuit of justice by the foreign government.

Building on established methods of consular assistance, CA/OCS initiated a concerted effort to develop a broader approach to respond effectively to American victims of serious and/or violent crimes overseas. The Department of State employed its first victim assistance specialist in 2000 to provide expertise in the development of a new crime victim assistance program. In 2001 CA/OCS issued guidelines for assistance to victims of serious crime and established victim assistance training programs for consular officers in Washington, DC, and abroad.

OVERVIEW OF CONSULAR ASSISTANCE TO CRIME VICTIMS

When a U.S. citizen is the victim of a crime overseas and the incident comes to the attention of a U.S. Embassy or consulate, consular officers can be an important source of emotional support and reassurance when the victim is traumatized by the crime. Listening to the victim and providing information about what will happen next helps the victim to prepare him/herself, regain a sense of control, and begin to put the experience in perspective. The consular officer may also assist with practical consequences of the crime, such as helping the victim to contact family or friends, obtain funds if money was stolen, or change hotel rooms if needed to feel safe.

Consular officers often coordinate with host government and local resources. While consular officers cannot investigate crimes or provide legal representation for victims, they can express the interest of the U.S. government in the expeditious and proper handling of the case by local authorities. Assisting American crime victims to obtain appropriate medical and other emergency services overseas is a key consular role.

Because of the vast geographic areas covered in many consular districts, it is not always possible for a consular officer to respond in person to assist a crime victim. In these cases consular officers may be in telephonic contact with the victim, other Americans close to the victim, local officials, and medical and other professionals to coordinate needed assistance.

To identify appropriate victim assistance resources and make referrals, consular officers overseas coordinate their activities with their counterparts in Washington and the victim assistance specialist in CA/OCS. The goal is to provide victims with information about specialized victim assistance programs near home in the United States, such as rape crisis programs and shelters for battered women, as well as referrals to crime victim compensation programs.

Many American victims want to report crimes to the police, but they do not speak the local language, do not know how or where to report a crime to law enforcement, and do not understand the local criminal justice process. Most countries have not established victim assistance programs to provide victims with written information about the criminal justice process or to contact victims to provide information about progress in the criminal investigation or prosecution. Further, many do not have resources to provide interpreter or translation services to assist victims in making police reports or in obtaining case information.

Consular officers attempt to assist victims with the criminal justice process in the country where the crime occurred, consistent with the demands of their other duties. They can help victims to understand how the criminal justice process works, and they can serve as a point of contact for progress in the criminal case and court proceedings in many countries. However, local law and practice in some countries may substantially impede access to information about a criminal case; and, in some instances, victims must hire a private attorney to obtain even basic case information. In other countries, it may be routine for a victim to hire an attorney to represent his/her interests in the criminal proceeding or to prosecute the case on the victim's behalf.

Consular officers can also assist American victims, when asked, if the victim returns to the country to testify in criminal court proceedings. The assistance provided may include helping the victim to obtain information about possible local government funds to pay the victim's expenses, identifying the victim's safety concerns and raising these with local authorities, and accompanying the victim to the trial, if possible.

CASE EXAMPLES

As a relatively new program within CA/OCS, the Crime Victim Assistance Program is not yet fully implemented. The range of assistance described above is currently not available in every crime victim case overseas. However, the following represent examples of the assistance provided to crime victims since the inception of the CA/OCS victim assistance program.

- A consular officer assisted a victim of gang rape in Papua New Guinea to travel to Sydney, Australia, for appropriate medical treatment and served as liaison with police and prosecutors. The victim was not required to return to Papua New Guinea to testify and the prosecution was successful. In the United States, the victim assistance specialist assisted

- with referrals for counseling at a rape treatment program and crime victim compensation for expenses related to the medical treatment.
- An American citizen was murdered in a home invasion robbery in the presence of his wife and three small children (all American citizens) in the Philippines. The woman's father, a foreign national, was also murdered at the same time. American Citizens Services (ACS) in Manila assisted the wife with the return of her husband's remains for burial in Pennsylvania. She was provided with information about crime victims compensation to pay expenses related to the funeral (up to \$5,000), loss of support (up to \$45,000), and counseling for herself and her children. (ACS staff assistance was critical in providing the police report on the incident.) Follow-up contacts by the victim assistance specialist were aimed at providing the victim with emotional support, assisting her to identify counseling and support in her community for herself and her children, contacting the crime victims compensation program on her behalf, and expediting the immigrant visa application for the victim's mother, who joined her in California shortly before the birth of her fourth child.
 - A woman who was raped by a hotel employee in the Bahamas suffered severe emotional trauma, and her family requested that a victim advocate travel with her to the Bahamas for the preliminary hearing. Arrangements for a victim advocate to accompany the victim were made through coordination with OVC, the South Carolina Victims of Crime Office, the FBI victim/witness coordinator in South Carolina, and the consular agent in Montego Bay.
 - A 14-year-old boy was reported to be a victim of abuse while being held by his father in Saudi Arabia for twelve years. When he was returned to his mother in Texas, she was assisted in contacting the Children's Advocacy Center in her community, and the boy received a multidisciplinary evaluation and treatment. In addition, the case was brought to the attention of the Texas Crime Victims Compensation Program director and the cost of the child's evaluation and treatment were paid by the state crime victim compensation program.
 - A 14-year-old girl who was the victim of child sexual exploitation was lured to Greece by a man using the Internet. Her family was provided with assistance in locating multidisciplinary assessment and treatment for the child at a Children's Advocacy Center in Florida. Consular officers overseas provided available case related information to the family and assisted in locating the legal counsel needed to represent the child's interest in the juvenile and criminal court proceedings.
 - A woman who was the victim of sexual assault in Kazakhstan was provided with assistance in receiving medical treatment overseas. The consular officer and the victim assistance specialist helped the victim to contact the state crime victim compensation program. The program supported the victim's travel to California for medical treatment and counseling.

- The families of several victims of kidnapping (in the Philippines, Chechnya, Ecuador, Mexico) were provided information updates and assistance in contacting local sources of emotional support, information, and, in some cases, transportation to the United States.
- A victim of domestic violence in Bolivia was assisted in obtaining local medical evaluation and treatment and arranging a loan for travel to the United States to escape the abuse. The consular officer coordinated with the victim assistance specialist to ensure that the victim had information about how to contact local domestic violence programs in the United States and the state crime victim compensation program, which has a program to pay costs associated with resettlement necessitated by abuse

CRIME VICTIM COMPENSATION AROUND THE WORLD

In countries all over the world, victims of crime suffer physical injuries, emotional pain, and financial losses. While many nations provide victim compensation benefits, they often do not apply to foreign travelers. When they do, the small percentage of victim tourists who learn that compensation benefits are available are often discouraged by the legal intricacies of applying for compensation.

To inform travelers from all nations about benefits that exist in the country they are visiting and how to apply for those benefits, the Office for Victims of Crime, in partnership with the U.S. Department of State, developed an *International Crime Victim Compensation Program Resource Directory* in 1996. The State Department sent surveys to U.S. embassies in 174 nations, and questionnaires were then forwarded to the appropriate officials in each country. Of the ninety-one countries that responded, thirty countries in addition to the United States reported that they have established victim compensation programs. These programs are listed in the directory. This directory is updated annually and contains information from foreign countries and the U.S. on their programs, eligibility requirements, application procedures, and compensable costs.

International reciprocity in the provision of victim compensation, restitution, and other assistance in cases involving foreign nationals is very important. As more and more people travel around the world, crimes against foreign citizens, both in the United States and abroad, are likely to increase.

One recent development in crime victim compensation is the Antiterrorism and Effective Death Penalty Act, signed into law by President Clinton in 1996. This new legislation amends the Victims of Crime Act (VOCA) to provide for a new VOCA eligibility requirement that each state provide compensation for any resident who is injured or killed in a terrorist attack in a foreign country. States are not required to pay benefits when the crime is not a terrorist act. Therefore, it is imperative that advocates inform victims that some foreign countries have crime victim compensation programs, and that in some cases, victims may be eligible to receive benefits from the country where the crime occurred (OVC

1999b). See the following reference for a directory of International Crime Victim Compensation Programs 2004-2005. www.ojp.usdoj.gov/ovc/intdir/intdir.htm

International Crime Victims and Response Issues

INTERNATIONAL TERRORISM AND CRISIS RESPONSE

A heightened awareness of the needs and development of more defined response plans over the recent past, particularly since the Oklahoma City Bombing and the attacks of September 11, have led to a more comprehensive and collaborative response in many local, state, and federal jurisdictions. International crises such as terrorist attacks involve victims and survivors from many different countries, and provide a challenge to caregivers due to lack of education in some areas, resources, and language and cultural barriers. Complicated international investigations frequently involve multiple jurisdictions and agencies. It is an additional challenge to ensure the rights, needs, and services available to victims of terrorism are not overlooked.

Several organizations have provided assistance to victims of international terrorism and their families. For example,

- The National Organization for Victim Assistance (NOVA) worked in the 1980s with family members of U.S. hostages taken in Iran and Lebanon by convening support group meetings, developing a hostage family newsletter, and helping them contact governmental agencies. In 1990, the organization developed *Coping with the Iraq/Kuwait Crisis: A Handbook* for families and friends of Americans detained in Iraq and Kuwait (Young and Stein 1990). In addition, NOVA has coordinated crisis response teams in nearly a dozen countries including Canada, Japan, Bosnia, and Croatia.
- NOVA has been actively involved in training initiatives on international crisis response issues. Prior to the 1996 Summer Olympics in Atlanta, Georgia, the Office for Victims of Crime (OVC) provided funds to NOVA for the training of victim advocates and volunteers on national and international crisis intervention and response, including instruction from experts on how to assist foreign nationals victimized in the United States. After the bombing during the Olympics in Atlanta's Centennial Park, these advocates were instrumental in ensuring that victims received needed services.
- After the President signed the Antiterrorism Act in 1996, the OVC Director met with more than a dozen victims who attended the signing. The surviving family members whose loved ones had been killed abroad by terrorists in various countries emphasized several concerns regarding the "system." They expressed dissatisfaction in a number of areas including notification procedures about the death of their loved ones; the red tape that exists when they try to find out information about their cases; the lack

- of regular communications about case status from responsible government officials; and the lack of coordination between governmental agencies involved in these cases. They also expressed great appreciation for the opportunity to meet one another and to discuss their cases and their concerns. The group meeting helped diminish their sense of isolation (OVC 1999a).
- Following the bombing of Khobar Towers in Dharain, Saudi Arabia, OVC used its new authority under the Antiterrorism Act to ensure that the survivors of the nineteen military service members killed in that attack were aware of compensation and assistance benefits. In December 1997, OVC, in conjunction with the FBI, the Department of Defense, and the Department of the Air Force, hosted a meeting at the FBI Academy at Quantico, Virginia, for the surviving family members of the servicemen killed in the bombing of Khobar Towers. OVC established a 1-800 line for the families and the other victims in the U.S. Attorney's Office in the District of Columbia to provide current information about the case investigation and the status of the alleged terrorists (Ibid.).
 - In the aftermath of the simultaneous bombings of two U.S. Embassies in East Africa on August 7, 1998, OVC has worked with many different federal agencies including the U.S. Departments of State, Defense, Labor, Health and Human Services, and Justice; Office of Personnel Management; Agency for International Development; and Central Intelligence Agency to ensure that information, benefits, and services are made available to the victims of those attacks. OVC has also funded positions at the U.S. Department of State to assist these victims in accessing services, obtaining compensation, and getting information on the criminal trial. In May 1999, OVC, in conjunction with the U.S. Department of State and the U.S. Attorney's Office for the Southern District of New York, hosted a meeting for the victims and surviving family members to provide information about benefits and the current status of the criminal case (Ibid.).
 - Recent international terrorist attacks against the U.S. have brought to light many of the unique and complex problems in coordinating an appropriate short- and long-term response to victims of terrorism abroad, and the need to develop a federal protocol for responding to future international terrorist incidents. Terrorism crimes tend to involve large numbers of victims and may include employees of various federal agencies as well as tourists, business representatives, and foreign nationals. Obtaining critical information about victims and providing emergency relief and ongoing services may be complicated and difficult. Access to compensation, benefits, and services can depend on which agency the victim works for and their status as a state resident. OVC has taken a leadership role in coordinating the development of a high-level working group to develop a federal protocol to ensure a more seamless response to victims of such incidents in the future (Ibid.).

- In December 2001, the FBI established the Office for Victim Assistance (OVA). The OVA's mission is to ensure that victims of federal crimes investigated by the FBI have access to the rights, services, and assistance to which they are entitled under the law. The OVA develops policy, oversees the work of 112 Victim Specialists (VS) in FBI field offices, and provides training to FBI personnel on victims. In addition, the OVA created a Terrorism Victim Assistance Program at FBI HQ to directly provide or coordinate information and assistance to victims of terrorism. In August 2004, the FBI Director designated the OVA to coordinate FBI compliance with the Aviation Disaster Family Assistance Act of 1996, when the cause of an aviation disaster is suspected or known to be criminal in nature.

An extra-territorial act of terrorism involving U.S. citizen victims may involve investigations and prosecutions in the country in which the crime occurred. The FBI may work closely with host country to conduct an investigation but parallel investigations may occur. In some cases, prosecutions may occur in the host country and victims/families may want information about those proceedings. The FBI will work with DOS to ensure that victims and families receive information, and, in some cases, an opportunity to attend proceedings or present victim impact information. For instance, the FBI OVA coordinated victim assistance for the trial of members of the 17 November terrorist group in Athens, Greece. This assistance included pre- and post-trial briefings in Washington, D.C., financial assistance to attend the trial for one week and present victim impact testimony, and regular trial updates via Internet email. FBI Office for Victim Assistance, 2006

Assistance to families of Pan Am 103 victims. The bombing of Pan Am Flight 103 on December 21, 1988, over Lockerbie, Scotland, took the lives of 270 individuals from twenty-one countries, including 189 Americans. It was the worst terrorist atrocity in aviation history. Reserve funds from the Crime Victims Fund, available through the Victims of Crime Act (VOCA) set aside for victims of terrorism and mass violence have been drawn upon to assist families of Pan Am 103 victims. The U.S. Department of Justice, Office for Victims of Crime (OVC), in partnership with the Scottish government, is working to ensure that Pan Am 103 victims' families receive information and assistance throughout the trial process. A comprehensive database at OVC contains updated information on more than 600 family members, and OVC has a full-time coordinator for the Pan Am 103 project. In coordination with the Scottish prosecutors, police, and the Scottish Court Service, OVC is providing the following services to families:

- An international toll-free telephone line into OVC for victim families, operational since June 14, 1999, and accessible from the sixteen

countries where the families are located. Scottish prosecutors, police, and court service personnel provide regular updates for the information line.

- A secure, informational Web site for victim families (contracted through the Syracuse University Law School) that provides updated information about the case, an "electronic scrapbook" of archival information on the bombing and the victims, information about victim services, and a discussion forum for families to communicate with each other. Acting as agent for OVC, the Syracuse participants will summarize daily transcripts of the trial.
- Trial updates using traditional mail for members without Internet access.
- Funding for staff to coordinate victim services throughout the trial:
 - A victim-witness coordinator in the Netherlands to provide assistance in locating lodging, arranging local transportation, and assisting with other needs.
 - An on-site officer for the Scottish Court Service at Kamp van Zeist, who serves as a family liaison officer with the Court.
 - A Scottish prosecutor who serves as legal liaison with the families to explain Scottish law and procedure.
- Funding assistance to the Scottish court to create a separate, secure waiting area for the families at the trial.
- Funding assistance and coordination of case briefing meetings for victim families by the Lord Advocate (equivalent to the U.S. Attorney General) and his team, held in August and September 1999, in Washington DC; Dumfries, Scotland; and London, England.
- The coordination of four remote sites for closed circuit viewing by victim families (immediate relatives only) of trial proceedings in the United States and the United Kingdom that will be secured by U.S. Marshals and managed by Scottish Court personnel.
- Funding and coordination of travel and lodging for two family members from each victim family for one week to attend the trial in the Netherlands or in one of the remote court sites.
- Funding for uncompensated mental health counseling for immediate family members throughout the trial process.
- Development and printing of a Lockerbie Trial Handbook, co-funded by OVC and the University of Glasgow Law School, that provides information on Scottish law and legal procedure. In addition, OVC developed a briefing book for the families that provides information about the trial site, the remote sites, and travel information.

TRAFFICKING OF WOMEN, CHILDREN, AND MIGRANTS

The issue of international trafficking is gaining prominence in national and international discussions of crime. People are trafficked to the United States for many exploitative purposes, including sexual exploitation and slave labor. The victimization that flows from such trafficking is significant, yet for many reasons, these victims are largely without services. The crime of trafficking encompasses a range of conduct, and its victims include not only the women, men, and

children trafficked but also in many cases, their families at home. Many trafficking victims are forced by their traffickers to break the law, and as a result, they are frequently treated as criminals themselves and may be imprisoned or deported without ever receiving services. Any effective plan for addressing the needs of trafficking victims must thus address a complex range of issues, including citizenship and residency, cultural and language needs, and age-specific needs.

Human trafficking is a global market in which the “supply of victims is encouraged by many factors including poverty, the attraction of perceived higher standards of living elsewhere, lack of employment opportunities, organized crime, violence against women and children, discrimination against women, government corruption, political instability, and armed conflict.” (Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report, U.S. Department of State, 2005).

The federal government has undertaken a number of initiatives to examine ways to address these complex issues:

- In fiscal year 1997, OVC funded the Filipino American Service Group, Inc. (FASGI) to provide direct services to Asian women and children trafficked and held as garment or sex industry workers. FASGI worked to assist trafficked women in re-establishing healthy and normal lives; ensure their availability for service as effective material witnesses while reducing the costs to taxpayers, and provide a model that can be used in other regions of the country. The project developed guidelines for use by the U.S. Immigration and Naturalization Service (INS) and the U.S. courts in releasing trafficked women to community care and developed a preliminary curriculum for a continuum of care for "Southeast Asia Women in Transition" (OVC 1999a).
- In June 1998, OVC convened a focus group on assistance and outreach to victims of international trafficking. The purpose of the focus group was to gather views about how best to meet the needs of victims of international trafficking, including those who have been trafficked for commercial sexual exploitation, slave labor, and other unlawful purposes. The meeting was attended by victim service providers, immigrant rights advocates, and others who come directly in contact with trafficked victims. Representatives from various U.S. Department of Justice components including INS and the FBI attended the meeting as well as representatives from the State Department and the Department of Labor. Recommendations will be used by OVC for future program planning (Ibid.).
- The United States government has taken steps to address trafficking both nationally and globally. The Victims of Trafficking and Violence Protection Act of 2000 (TVPA), and its reauthorization in 2003 (TVPRA), provides extensive protections and services for victims of trafficking found in the United States regardless of nationality. 2006 NCVRW Resource Guide

- The Human Smuggling Trafficking Center (HSTC) was created in July 2004 for the Secretary of State, the Secretary of Homeland Security, and the Attorney General. The HSTC serves as a fusion center for information on human smuggling and trafficking, bringing together analysts, officers, and investigators from such agencies as the CIA, the FBI, The Department of State, and the Department of Homeland Security. www.fbi.gov/hq/cid/civilrights/trafficking_initiatives.htm

COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

Each year, an estimated one million children enter the multibillion dollar illegal sex market (World Congress Against Commercial Sexual Exploitation 1996). Children are coerced, kidnapped, sold, deceived, or otherwise trafficked into forced sexual encounters. The phenomenon of "sex tourism," which mainly involves men traveling to other countries to engage in sex with children, is well documented. The exact nature of exploitation differs from one country to another.

- In Asia, children are sold, knowingly or unknowingly, into the sex trade by families or friends.
- In Africa, evidence suggests that the employment of children as domestic help frequently includes sexual exploitation.
- In Europe, children are trafficked from poorer to more affluent countries where the market for children is fueled by organized pedophile rings and high-tech information services. These rings also exist in Australia, Canada, the United Kingdom, and the United States.

The damage commercial sexual exploitation causes children is unfathomable. Children are robbed of their natural sexual development, their sense of dignity, identity, and self-esteem. Their physical and emotional health are put at tremendous risk, their rights are violated, and their only support may come from those who exploit them. To address these issues, Assistant Attorney General Laurie Robinson led the U.S. delegation to the World Congress Against Commercial Sexual Exploitation of Children in Stockholm, Sweden, in 1996. OVC provided funds to the Education Development Center, Inc. to develop a report on strategies to stop the sexual exploitation of children, *Child Sexual Exploitation: Improving Investigations and Protecting Victims--A Blueprint for Action* (EDC 1995), which was distributed at the conference. A videotape and user's guide entitled *Joining Forces Against Child Sexual Exploitation* were also developed to encourage replication of multijurisdictional team approaches to handling these types of crimes. Since the World Congress, an interagency working group comprised of representatives from the President's Interagency Council on Women; the Departments of Defense, Education, Justice, Labor, and State; U.S. Customs; and U.S. Postal Inspection Service have met periodically to develop a coordinated federal agency strategy for prevention, investigation, and intervention in cases of commercial sexual exploitation of children.

The Federal Bureau of Investigation (FBI) exercises jurisdiction and investigative responsibilities under Title 18 of the United States Code (USC) Section 2251(a)(b)(C), Sexual Exploitation of Children. Following is a summary from the Federal Criminal Code and Rules under **Title 18 of the United States Code** (USC). Federal law defines a "minor" as a child under the age of eighteen unless specified otherwise.

- Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in; or who has a minor assist any other person to engage in; or who transports any minor in interstate or foreign commerce with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct. This statute applies when the person knows that such visual depiction will be, or has actually been, transported in interstate or foreign commerce or mailed.
- Any parent, legal guardian, person, or organization having custody or control of a minor who knowingly permits such minor to engage in or assists any person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct. This statute also applies if such visual depiction will be or has actually been transported in interstate or foreign commerce, mailed, and/or such depiction was produced with materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer.
- Any person, who knowingly prints, publishes, or causes to be made, any notice or advertisement seeking or offering to receive, exchange, buy, produce, display, distribute, or reproduce any visual depiction involving the use of a minor engaging in sexually explicit conduct. This statute also applies when such person knows that such notice or advertisement will be, or has been, transported in interstate or foreign commerce by any means, including by computer.
- See <http://www.fbi.gov/hq/cid/cac/federal.htm>

INTERNATIONAL PARENTAL CHILD ABDUCTION

Parental abduction cases often involve international marriages that dissolve, with one parent returning to a native country with children who are too young to give legal consent. It is estimated that each year in the United States more than 350,000 children are abducted by a parent (Finkelhor, Hotelling, and Sedlak 1990). Of those abductions, reports vary on the numbers of children taken across international borders. One study found that children were known or believed to have been taken to another country in more than one-fifth of all child abductions. Earlier studies with smaller sample groups found that up to 40 percent of abductions may cross international boundaries (Grief and Hegar 1993). Only a small percentage of these cases are ever reported to the State Department,

however. The State Department's Office of Children's Issues Statistics reported a total 1,057 international child custody cases in 1994 (U.S. Department of State 1994).

The costs of searching for children who have been abducted are staggering. Many parents exhaust their life savings on telephone calls, attorneys, and private investigators. A 1990 study found that in international cases, more than half of the searching parents spent more than \$10,000 and a few spent more than \$50,000 in their efforts to retrieve their children (Grief and Hegar, 1993). Accurate statistics on recovery rates are not available, according to the National Center for Missing and Exploited Children, but success or failure often depends on whether the child was taken to one of the forty-five countries that have signed the *Hague Convention on the Civil Aspects of International Child Abduction*. The recovery rate for Hague Convention countries varies by how well the courts of each country implement the treaty. Recovery rates for non-Hague countries are very low.

Since 1985, the Justice and State Departments have worked together through the National Center for Missing and Exploited Children to track kidnapped children taken across international borders and to help their parents obtain lawful custody under the Hague Convention's treaty on international child abductions. As a part of this joint initiative, OVC will pay travel-related reunification costs for American parents who can prove that substantial economic hardship prevents them from recovering their children from overseas. In 1999, the International Center for Missing and Exploited Children was created to specifically address cases involving child abduction and exploitation that cross national borders.

The Federal Bureau of Investigation (FBI) exercises jurisdiction and investigative responsibilities under Title 18 of the United States Code (USC) Section 1204, International Parental Kidnapping. Following is a summary from the Federal Criminal Code and Rules under **Title 18 of the United States Code (USC)**. Federal law defines a "minor" as a child under the age of eighteen unless specified otherwise.

- Whoever removes a child under 16-years of age from the United States or retains a child (who has been in the U.S.) outside the United States with the intent to obstruct the lawful exercise of parental right.
- Under this statute the term "child" is defined as a person who has not attained the age of 16 years and "parental rights," with respect to a child, means the right to joint or sole physical custody of the child.
- Circumstances when the abducting parent is fleeing from an incidence or pattern of domestic violence, or when a parent fails to return a child for reasons beyond their control and has notified the other parent within 24 hours, are excluded from prosecution under this Section
- See <http://www.fbi.gov/hq/cid/cac/federal.htm>

BATTERED IMMIGRANT WOMEN

Until the passage of the Battered Immigrant Women provision of the Violence Against Women Act, immigrant women who were dependent on their batterer for their legal status could not escape their abusive situation without risking deportation. The new provision allows immigrant victims the opportunity to apply for legal status independent of their abusive spouse. While some immigrants have already benefited from this new measure, still others who may be eligible are not simply because they and the immigration officials handling their case are unaware the law exists. As such, all immigration and asylum officers should be fully trained concerning the existence of the new law, along with all policies and procedures created to implement the law. The officers should also be trained to identify immigrants who may be eligible and assist them with filing applications to avail themselves of the new provision.

OVC has been working with the Immigration and Naturalization Service (INS) to establish a victim-witness program to identify victims of crime and refer them to services. Since its inception, INS has established sixty-eight Victim-Witness Coordinators throughout the country to assist crime victims. OVC, in conjunction with INS, has recently developed a training video, *A Balance to Maintain*, for all INS employees on victims' issues. A national training program is under development.

IMMIGRANTS WHO HAVE BEEN VICTIMS OF TORTURE

In November 1998, OVC conducted a focus group with the Center for Victims of Torture (CVT) to explore ways that OVC can work with CVT to educate victim service providers about the unique needs of these vulnerable immigrant victims. CVT has conducted several training workshops for federal law enforcement personnel and is exploring avenues to train victim service providers around the country.

THE BATTERED IMMIGRANT WOMEN PROTECTION ACT OF 2000

The Battered Immigrant Women Protection Act of 2000 improves access for battered immigrants to a variety of legal protections provided by VAWA, and sets out procedures for spouses and children to self-petition under VAWA:

- It offers greater protection to spouses of citizens or residents who practice bigamy by clearly defining their status and providing them with the right to self-petition under VAWA provisions.
- It provides access to VAWA self-petitions to battered immigrants living abroad who are abused by their permanent resident or citizen spouses or parents if they are government employees or members of the U.S. uniformed services.

- It allows battered immigrants to file VAWA self-petitions within two years of divorce or death of the abuser. If immigration status of the abuser is lost due to incidents of domestic violence the battered immigrant may self-petition.
- It offers clarifications regarding the possibility of naturalization or citizenship of battered immigrant women and protection from deportation when the battered immigrant has left the home of the abuser after being subject to battery or extreme cruelty.
- It clarifies the use of VAWA funds to provide legal and social services to battered immigrant women.
- It creates a nonimmigrant visa for immigrant crime victims who have suffered substantial physical or emotional injury as a result of being subjected to crimes such as rape, torture, trafficking, incest, domestic violence, female genital mutilation, or kidnap (NOW Legal Defense Fund October 2000).

International Cooperation and Information Sharing

As crime has become increasingly international, new methods of information sharing and cooperation have become essential. Not only is it important for countries to assist one another in developing strong justice systems that can effectively address victims' needs, but it is often important for countries to work together in investigating and prosecuting crimes and working with victims. UNOJUST, the United Nations Online Crime and Justice Clearinghouse, is a technical assistance program, designed by the National Institute of Justice in the U.S. Department of Justice and the Office of International Narcotics and Law Enforcement in the Department of State, to help the United Nations develop a technical capacity for global electronic information exchange on criminal justice issues. UNOJUST provides an opportunity for criminal justice practitioners around the globe to share and exchange information about issues including victimization. These and other methods of information sharing and cooperation will become increasingly important in the effort to address victims' rights and services at the international level.

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

United Nations Department of Public Information

The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power emanated from the deliberations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Milan, Italy, from 26 August to 6 September 1985. The General Assembly adopted the Congress's recommended text later that year, on 29 November, when it adopted resolution 40/34, reproduced below.

The Declaration recommends measures to be taken at the international and regional levels to improve access to justice and fair treatment, restitution of crime, and it outlines the main steps to be taken to prevent victimization linked to abuses of power and to provide remedies for victims of such treatment.

Annex

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

A. VICTIMS OF CRIME

1. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.
2. A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.
3. The provisions contained herein shall be applicable to all, without distinction of any kind, such as race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability.

Access to justice and fair treatment

4. Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.
5. Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms.
6. The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:
 - (a) Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious

- crimes are involved and where they have requested such information;
 - (b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;
 - (c) Providing proper assistance to victims throughout the legal process;
 - (d) Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
 - (e) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims.
7. Informal mechanisms for the resolution of disputes, including mediation, arbitration and customary justice or indigenous practices, should be utilized where appropriate to facilitate conciliation and redress for victims.

Restitution

- 8. Offenders or third parties responsible for their behavior should, where appropriate, make fair restitution to victims, their families or dependents. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights.
- 9. Governments should review their practices, regulations and laws to consider restitution as an available sentencing option in criminal cases, in addition to other criminal sanctions.
- 10. In cases of substantial harm to the environment, restitution, if ordered, should include, as far as possible, restoration of the environment, reconstruction of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, whenever such harm results in the dislocation of a community.
- 11. Where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted. In cases where the Government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government successor in title should provide restitution to the victims.

Compensation

- 12. When compensation is not fully available from the offender or other sources, States should endeavour to provide financial compensation to:
 - (a) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes;
 - (b) The family, in particular dependents of persons who have died or

become physically or mentally incapacitated as a result of such victimization.

13. The establishment, strengthening and expansion of national funds for compensation to victims should be encouraged. Where appropriate, other funds may also be established for this purpose, including those cases where the State of which the victim is a national is not in a position to compensate the victim for the harm.

Assistance

14. Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means.
15. Victims should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.
16. Police, justice, health, social service and other personnel concerned should receive training to sensitize them to the needs of victims, and guidelines to ensure proper and prompt aid.
17. In providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted or because of factors such as those mentioned in paragraph 3 above.

B. VICTIMS OF ABUSE OF POWER

18. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.
19. States should consider incorporating into the national law norms proscribing abuses of power and providing remedies to victims of such abuses. In particular, such remedies should include restitution and/or compensation, and necessary material, medical, psychological and social assistance and support.
20. States should consider negotiating multilateral international treaties relating to victims, as defined in paragraph 18.
21. States should periodically review existing legislation and practices to ensure their responsiveness to changing circumstances, should enact and enforce, if necessary, legislation proscribing acts that constitute serious abuses of political or economic power, as well as promoting policies and mechanisms for the prevention of such acts, and should develop and make readily available appropriate rights and remedies for victims of such acts.

International Issues in Victim Assistance Self-Examination

1. Why is it important to discuss international issues in victim assistance?
What relevance does it have to victim services in the United States?
2. Name two organizations working to address crime victims' issues in the international arena. What specific activities have these organizations undertaken?
3. What international document is considered the "Magna Carta" for crime victims? Name four specific components of this document.
4. What issues need to be considered in developing services for international tourist victims?
5. Describe two other emerging issues in international victim assistance and why they are important.

International Issues Resources

Directory of International Crime Victim Compensation Programs 2004-2005
www.OVC.gov/publications/infores/interdir2005/welcome.html

Hague Convention Abduction Issues/
List of Hague Convention Signatory Countries
<http://travel.state.gov> follow the links to Children and Family

2006 NCVRW Resource Guide
http://www.ojp.usdoj.gov/ovc/ncvrw/2006/pdf/statistical_overviews.pdf

FBI Investigative Programs
www.FBI.gov

World Society for Victimology
www.world-society-victimology.de

United Nations
www.un.org
www.victimology.nl/ (information available in several languages)

Department of Justice
www.usdoj.gov

Department of State
www.state.gov

National Criminal Justice Reference Service
www.ncjrs.org

National Center for Missing and Exploited Children
www.ncmec.org

Office for Victims of Crime
www.ovc.gov